

EDITOR'S NOTE

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No. 97-6749

**ORIGINAL**

RELATED: 96-9513, 96-9113, 96-9329, 96-9309,  
96-8700, 96-9328,  
97-5677, 96-9196,  
96-9197,  
96-8141,  
96-8146,  
96-8288,  
96-8289

IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1996

IN RE:  
LORENZO ARTEAGA -PETITIONER

RECEIVED  
AUG 25 1997  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

VS.

PETE WILSON, DANIEL E. LUNDEN,  
CALIFORNIA, et al., et al. -RESPONDENT(S)

Supreme Court, U.S.  
FILED  
AUG 25 1997  
OFFICE OF THE CLERK

RECEIVED  
NOV 14 1997  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

PETITION FOR A WRIT OF HABEAS CORPUS  
ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9, USDC E CA, USDC N CA, et al.

PETITION FOR WRIT OF CERTIORARI

LORENZO ARTEAGA  
4001 KING AVENUE / P.O. BOX 8800  
124 ALDER STREET

CORCORAN, CA 93212  
SOLEDAD, CA 93960

(408) 678-5503; 678-5500

RECEIVED  
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OFFICE OF THE U.S. A  
SUPREME COURT, U.S.

17 PA

# QUESTION(S) PRESENTED

97-6749  
Ar feaga  
U.S.C.A. 9

WHAT REMEDY WILL AID IN THIS COURT'S APPELLATE JURISDICTION

WHERE AGGREGATE UNCONSTITUTIONAL STATE PROSECUTIONS AND "CONVICTIONS"

GARLOTTE v. FORDICE 115 Sct 1948, 115 Fed 2d 876, 878 (1995) WERE REINSTATED

MORE THAN TEN YEARS LATER WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION AFTER THEY HAD BEEN ADJUDICATED ON THE MERITS WITH PREJUDICE IN BOTH STATE AND FEDERAL COURTS IN USDC N CA NOS. C90-20326 RFP, C90-20257 RFP, C91-594 RFP, C91-583 RFP, C91-2524 RFP, C91-2534 RFP BUT WHEN THE SENIOR U.S. DISTRICT COURT NORTHERN CALIFORNIA JUDGE HON. ROBERT F. PECKHAM DECEASED C. FEBRUARY 1993 AND RESPONDENT SUPERIOR COURT OF SANTA CLARA COUNTY ELEVATED ANOTHER ONE OF THEIR COLLEAGUES TO THE USDC N CA SO THAT HE PROCEEDED TO "REMAND" THE UNCONSTITUTIONAL VINDICTIVELY REINSTATED STATE PROSECUTION BACK TO HIS COLLEAGUES IN RESPONDENT SUPERIOR COURT IN PROCEDURALLY OBSTRUCTED USDC N CA DOCKET NO. C93-20134 RMW BY ABUSING HIS NEW-FOUND AUTHORITY AND PURPORTING TO "REVERSE" THE RES JUDICATA JUDGMENTS OF THE NOW-DECEASED HON. PECKHAM AND THE USDC N CA AS WELL AS THE USCA9 HAVE SANCTIONED EXTREME ACTS AND CONTINUOUS COURSE AND CONDUCT CRIMES OF ATTEMPTED MURDER, AGGRAVATED ASSAULTS, AGGRAVATED BATTERY, STABBINGS, SHOOTINGS, SPOILS, SPOILATION UNDER COLOR OF AUTHORITY IN ORDER TO COVER-UP THE CONSPIRACY AND UNCONSTITUTIONAL ILLEGAL INITIAL ARRESTS, PROSECUTIONS AND EXTRA-JURISDICTIONAL REMAND ORDER FILED APRIL 1, 1993 IN BOTH THE USDC N CA AND IN THE STATE RESPONDENT SUPERIOR COURT NISI PRIUS RECORD ON DIRECT APPEAL TO THE CALIFORNIA COURT OF APPEAL NO. 6 (CAAD6), USDC N CA NO. C93-20134 RMW, CAAD6 NOS. H012729, H007751, H005397, H006074, H005398, H007583, H010095, H010082, H005774, H009739, ETC. SUPERIOR COURT NOS. 161396, 138120, 125303, 505627, 98982, 1098982, H015777, 5045783, 5057852, U.S. Sct 96-9196, 96-9197, DETAINED IN UNITED STATES SUPREME COURT DOCKET NOS.: 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8288, 96-8141, 96-8146, 96-8289, 94-9212, 95-9260, 96-6804, 95-7417, 95-80113, ETC. SO THAT THE USDC N CA HAD NO HAS NO JURISDICTION TO REVIEW OR TAMPER WITH THE RES JUDICATA JUDGMENTS AT-ISSUE SINCE 1982, 1984, 1988, 1990, 1992 AND THE USDC N CA HAS SKIRTED THE ISSUE REGARDING LACK OF JURISDICTION BY DENYING INJUNCTIVE RELIEF, DECLARATORY RELIEF AND HABEAS CORPUS PETITIONS IT ALLOWED, CONDONED, DIRECTED OR AUTHORIZED TO BE PROCEDURALLY PREJUDICED AND OBSTRUCTED IN USDC N CA DOCKET NOS. C96-20026 RMW, C96-20935 RMW, C96-20969 RMW, C96-20877 RMW, C93-20134 RMW — BEGINNING WITH C93-20134 RMW, ETC. AL.

BASED UPON THE LATEST USCA9 ORDERS ENTERED IN THE UNCONSTITUTIONAL MISREPRESENTATION AND CORRUPTION AND DISTORTION OF THE PROCESS OF LAW ORDER STYLED "PRE-FILING REVIEW ORDER" USCA9 NO. 95-80113 FILED MAY 5, 1995 AND IMMEDIATELY FORWARDED TO THE USDC E CA AT SACRAMENTO WHERE THE SAME USCA9 ORDER WAS RE-FILED ON MAY 8, 1995 IN THE DISTRICT WHERE PETITIONER WAS HELD EFFECTIVELY SUSPENDING THE WRIT OF HABEAS CORPUS AND INITIAL CIVIL RIGHTS ACTIONS IN USDC E CA DOCKET NOS. 91:CV552, 92:CV027, CV:91-552, CV:92-27 WHICH HAD BEEN FILED AND PENDING BEFORE PETITIONER WAS AGAIN VINDICTIVELY RE-PROSECUTED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION BY THE USDC N CA REMAND ORDER NO. C93-20134 RMW WHICH UNCONSTITUTIONAL ORDERS HAVE EVADED REVIEW TO THE PRESENT TIME DOES RULE 10, 11, OR 20.4(a) RULES OF THE SUPREME COURT GOVERN PETITIONER'S "PETITION TO LIFT THE PRE-FILING REVIEW ORDER" AND HOW CAN PETITIONER LIFT SAID UNCONSTITUTIONAL ORDER WHICH HAS IRREPARABLY PREJUDICED PAST, PRESENT AND PENDING LITIGATION AND DIRECT APPEAL AND HABEAS CORPUS ACTIONS IN BOTH STATE AND FEDERAL COURTS IN VIOLATION OF PUBLIC LAW 100-352, §7, 102 STAT 662 (1988) AND OF THE LIBERTY INTERESTS AND BLACK LETTER LAW LEGISLATIVE INTENT EMBODIED IN CALIFORNIA PENAL CODE SECTIONS 805.5(c)(2), 3, 800-805, IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW AND REPUGNANT TO THE LAWS AND CONSTITUTION OF THE UNITED STATES AS EVIDENCED BY PENDING RELATED PETITIONS ON DIRECT APPEAL FROM STATE AND FEDERAL COURT NOS. 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8141, 96-8146, 96-8288, 96-8289, USCA9 NO. 95-80113, NOS. 96-16222, 96-16223, 95-15075, 95-15076, 95-15723, 95-15724, 95-15411, 94-80445, 91-80185, 91-16572, ETC. AL.

92-15341, 95-15411, 94-80445, 91-80185, 91-16572, ETC. AL.

DUE TO SUCH ABUSE OF AUTHORITY, LACK OF JURISDICTION, UNCONSTITUTIONAL SUSPENDING OF THE WRIT OF HABEAS CORPUS IN SPECIFIC VIOLATION OF ART. I, §9, clause 2, clause 3, ART. I, §10, ART. III, §2, ART. VI, §2 CAUSED BY USCA9 DOCKET NO. 95-80113 AND NO REMEDY PROVIDED SINCE MARCH 1994 AS EVIDENCED IN USCA9 DOCKET NOS. 96-16222, 96-16223 RE-NUMBERED OUT OF USCA9 NOS. 95-15075, 95-15076, 94-80445, 95-15723, 95-15724 OBSTRUCTED DIRECT APPEAL PROCEEDINGS, AND CONTINUING DELIBERATE UNCONSTITUTIONAL OBSTRUCTION AND TOTAL UNAVAILABILITY OF ANY REMEDY SINCE 1982, AND EVIDENTLY EXCEPTIONAL CIRCUMSTANCES LAST EVIDENCED IN USCA9 DOCKETS NOS. 95-80113 AND 96-16222, 96-16223 IS IT ANY WONDER WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT?

\*IN VIOLATION OF PETITIONER'S STATUTORY AND FEDERAL CONSTITUTIONAL RIGHT TO SELF REPRESENTATION GUARANTEED BY 28 USC §1651, AND 1ST AND 14TH AMENDMENTS, U.S. CONSTITUTION

## LIST OF PARTIES

ALL PARTIES DO NOT APPEAR ON THE COVER PAGE. A LIST OF PARTIES INCLUDES:

DANIEL E. LUNGREN  
PETE WILSON  
JAMES ROWLAND  
THOMAS MADDOCK  
LEWIS JONES  
GARY LINDSEY  
DON HILL  
CHARLES MARSHALL  
R.L. SNIDER  
R. BEEKMAN  
F. VASQUEZ  
ERNE CALDERON  
JAMES GOMEZ  
KAREN L. HUFFMAN  
JOSEPH BASSO  
G.E. HARRIS  
P. TINGEY  
P.H. CARRILLO  
DOE CHESTERMAN  
DOE GAGNON  
CHRISTOPHER C. COTTE  
J. DOE AGUANO  
J. DOE ELIAS  
J. DOE PANELLI  
J. DOE PREMO  
J. DOE MANOUKIAN  
J. DOE WUNDERLICH  
J. WARE  
RONALD M. WHYTE

AND DOES 1-100, INCLUSIVE  
ET SEQ., ETC. AL.



2

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PUB L 100-352, §7.102 Stat 662 (1988)

ART. I, §9, clause 2, clause 3,

ART. I. § 10.  
ART. III.

ART. IV.

ART. VI. §2.

UNITED STATES CONSTITUTION  
28 U.S.C. § 1654 (FEDERAL STATUTES)

### 1st Amendment (RIGHT of Access to the courts)

4th " (ILLEGAL STOP, SEARCH, AND SEIZURE)

3th " (DOUBLE JEOPARDY, SELF-INCRIMINATION, DUE PROCESS, PROCEADURAL AND SUBSTANTIVE)  
6th " (RIGHT OF REPRESENTATION, PRO SE, TO BE INFORMED, NOTICE AND JURY TRIAL)

8th " (CRUEL AND UNUSUAL PUNISHMENT AND CONDITIONS OF UNCONSTITUTIONAL CONFINEMENT)  
9th " (RIGHTS OF THE PEOPLE AND OTHERWISE ENUMERATED)

13th " (FORCED SLAVERY AND PUNISHMENT WITHOUT LEGAL CONVICTION: OBSTRUCTING DIRECT APPEAL)  
14th " (DUE PROCESS AND EQUAL PROTECTION OF THE LAW: NO STATE SHALL DEPRIVE.)

6-15-11 82 5045 56-16-18799 820 8215

California Penal Code § 3. § 805.5(c)(2). 88777, 800-805

GARLOTTE v. FORDICE 115 S.Ct. 1948, 115 L.Ed.2d 876, 878 (1995)

U.S. v. TAYLOR 648 F.2d 565 (1981) (9th Cir.)

CHAPMAN v. CALIFORNIA 171 F.2d 705 (1949)

ORNELAS v. U.S. 116 SC+ 1657 (1996)

BOUIE v. CITY OF COLUMBIA 12 LED 2d 844, 845 (1877) (1879)  
U.S. v. NUNSWINGWEAR 340 U.S. 36, 39 (1950)

RDW & WADE 470 U.S. 113 (1250973)  
JACOBSON 11 6 505 U.S. 647 (51

BRADY v. MARYLAND 373 U.S. 83, 10 LEd2d

MILLER v. PATE 17 LED 2d 690, 87 SC+ 785 (1967)  
 U.S. v. GARDIN 115 SC+ 2310 (1995)

YATES v EVATT 111 SCT 1884, 114 LEd

LOGAN v. ZIMMERMAN BRUSH CO. 71 Fed.2d 265 (1942)  
HENDRICKS v. VASQUEZ 908 F.2d 490 (9th Cir. 1990)

MIDLAND ASHALT CORP. v. U.S., 489 U.S. 794, 103 LEd2d 879 (1989)  
U.S. - 81 ALF 916 (S.Ct. 1984)

GREEN v. U.S. 355 U.S. 184, 2 LEd 2d 199

BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 410 U.S. 484, 35 LEd2d 443 (1973)  
KUILES v. WHITLEY 112 S.Ct. 1555 (1995)

PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993)

BRETZ v. KULMAN 773 F.2d 1026, 70-35 (9th Cir. 1985) (en banc)  
LUNE v. BRUNETT 661 F.2d 108 (9th Cir. 1981).

RIVERS v. ROADWAY EXP. INC. 114 S Ct 1570 (1994)  
FRANCIS v. DELAWARE 430 U.S. 154 (1977)

DAVIS, ALASKA 94 SCT 1105 (1974)

LANDGRAF v. USI FILM PRODUCTS 5/11 U.S. 224

FARMER v. BRENNAN — U.S. —, 114 S.Ct. 1978, — L. Ed. —  
LINDH v. MURPHY 117 S.Ct. 2059 (1997)

English Version      Printed on 11/20/2013

## STATEMENT OF THE CASE

The statement of this case is already fully set forth in the petition mailed to this court on or about August 5th, 1997, AND USCA9 No. 97-16705.

Petitioner was forced to mail his only court copy of Appendix "B", USCA9 FILED AUGUST 1, 1997 re No. 95-80113 with that petition. APPENDIX A WAS NOT AVAILABLE

With 82897. In the instant petition petitioner has attached additional ~~USCA9 FILED AUGUST 28 1997~~ ~~USCA9 FILED AUGUST 28 1997~~ orders not earlier available, evidencing lack of remedy in these districts as well as USCA9.\*

The more detailed statement was typed and filed in this court in petition No. 96-8700.

cross-referenced and/or INCORPORATED IN 96-9573.  
(HABEAS CORPUS) UPON LOWER COURT USCA9 NO. 95-80113,  
NO 96-9413 AND 97-5677.

See also Pending Petitions ON DIRECT APPEAL LISTED AT OPINIONS BELOW, PAGE 1, SUPRA, INCORPORATED IN FULL DUE TO EXCEPTIONAL CIRCUMSTANCES. FOR EXAMPLE: RESPONDENTS HAVE JUST PLACED A VIOLENT, THREATENING INMATE IN MY CELL WHO IS ACTING ON BEHALF OF RESPONDENTS AND UPON THEIR ORDERS, TO THREATEN, AND ATTACK ME EVEN WHILE I AM PREPARING

THIS STATEMENT <sup>NO. S-97-1728</sup> <sup>FILED 9.12.97</sup> <sup>CAUSING ME 15 STROKES TO MY HEAD ON 8.19.97</sup> <sup>NO. C97-2065</sup> <sup>THE COMPLAINT AND USDC NACA AND</sup> <sup>USDC ECAK AND USCA9 ORDERS EVIDENCE ABUSE</sup> <sup>OF PROCESS, ABUSE OF AUTHORITY AND THE COMPLAINT</sup> <sup>FROM REALM C97-2022</sup>

FILED JULY 16, 1997 IN C97-20665 RMW/et seq.  
AND FIRST AMENDED COMPLAINT ARE RE-ALLEGED AND  
INCORPORATED HEREIN IN FULL FOR ALL PURPOSES AS  
LACK OF AVAILABLE REMEDY IN AID OF THIS COURT'S APPELLATE JURISDICTION IN VIOLATION OF  
LAWS AND CONSTITUTION OF THE UNITED STATES.

\* APPENDIX D EVIDENCES THE MODUS OPERANDI EMPLOYED TO  
EVADE REVIEW TO SKIRT ART. III TIMELY DIVERSITY AND  
HABEAS CORPUS PETITION IN REVIEW BY THIS COURT. ADVERSE  
TRANSFERS OF POWER AND OF PERSONS), SPECIUM/SOLICITATION,  
~~APPEALS, ETC. AND I SHOW THE RESULTANT GAINS OF THE SAME, INSTEAD OF THE LOSS~~



# REASONS FOR GRANTING THE WRIT

THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI SHOULD AND MUST BE GRANTED BECAUSE I, PETITIONER, AM AN INNOCENT PERSON FALSELY, VINDICTIVELY IMPRISONED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES, AND THERE IS NO OTHER ADEQUATE REMEDY OR ANY REMEDY TO GRANT OUR, RELEASE FROM WRONGFUL IMPRISONMENT AND/OR ALTERNATIVE RELEASE PENDING FURTHER APPEAL AS EVIDENCED BY THE "OPINIONS BELOW" AND APPENDICES HEREIN AND THE ORIGINAL OPINIONS FILED OR ALREADY LODGED WITH THIS HONORABLE COURT AND THE WHOLE HEREOF. See also PRAYER(S) TO RELATED PENDING PETITIONS ON DIRECT APPEAL. EXCEPTIONAL CIRCUMSTANCES.

INCREDIBLY ENOUGH, ON 10-26-97 USCA9 NO. 97-16705 WAS OBSTRUCTED SO ONLY ONE(1) ORIGINAL BRIEF WAS FILED BUT PROBABLY ONLY LODGED WITH THE COURT BECAUSE RESPONDENTS DELIBERATELY OBSTRUCTED SAID APPEAL DESPITE ACTUAL NOTICE OF TIME SCHEDULE ORDER FILED 9-15-97.

IN THIS MANNER CAUSING USCA9 NO. 92-15341 FILED JUNE 11, 1992 LOWER COURT NO. C91-2534 RFP TO BE FRAUDULENTLY DISMISSED FOR FAILURE TO PROSECUTE APPEAL EVEN THOUGH NONWILLFUL FAILURE BY PETITIONER, FRAP 47(a)(1), 47(a)(2), 47(b) et al. AND THIS OBSTRUCTION OF HABEAS CORPUS APPEAL BY SAME RECORDS' REMOVAL, SPOILUM, SPOILIATION IS NOT HARMLESS BEYOND A REASONABLE DOUBT. UNDER THE APPLICABLE STANDARDS OF REVIEW REVERSAL IS REQUIRED AND OUR CHAPMAN v. CALIFORNIA 17 LED 2d 705 (1967) AND REMAND REVIEW ORNELAS v. U.S. 116 SCt 1657 (1996) 1st, 4th, 5th, 6th, 8th, 14th AMENDMENTS, USC,

# CONCLUSION

FOR THE FOREGOING REASONS THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI SHOULD AND MUST ISSUE; and FOR THE REASONS AND CONCLUSIONS AT RELATED PENDING PETITIONS - state and <sup>PR</sup>Federal ON DIRECT APPEAL EVIDENCING THAT THE LOWER COURT CONSTITUTIONAL VIOLATIONS WERE NOT HARMLESS BEYOND A REASONABLE DOUBT.\*

Respectfully submitted

DATED: AUGUST 17, 1997

Lorenz Arteaga  
LORENZO ARTEAGA, PRO SE

\* THE APPROPRIATE STANDARD OF REVIEW IS FOUND IN CHAPMAN v. CALIFORNIA 17 LED 2d 705 (1967); BOWIE v. COLUMBIA 12 LED 894 (1964) AND THE "CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED" CITATIONS, RE-ALLEGED AND INCORPORATED HEREIN IN FULL. 28 USC §1654, 1st, 4th, 5th, 6th, 14th, AMENDMENTS, U.S. CONSTITUTION.

**FILED**

**AUG 28 1997**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**CATHY A. CATTENSON, CLERK  
U.S. COURT OF APPEALS**

In re: LORENZO ARTEAGA,

Respondent.

) No. 95-80113  
)  
)  
)  
)  
)  
)

ORDER

Before: SCHROEDER, FERNANDEZ and RYMER, Circuit Judges

This court has reviewed the application and motion for stay, the motion to vacate this court's July 17, 1997 order, the motion to recall the mandate, and related documents lodged August 4 and 5, 1997 pursuant to the pre-filing review order entered in this docket. Respondent's motions are denied.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

**PUBLISHER'S NOTE:**

ORIGINAL PAGINATION IS NOT CONTINUOUS.

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 21 1997

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

LORENZO ARTEAGA,	)	No. 96-16222
	)	
Plaintiff-Appellant,	)	D.C. No. CV-94-03046-FMS
	)	
v.	)	
	)	
PETE WILSON, Governor; DANIEL E.	)	
LUNGREN, Attorney General,	)	
	)	
Defendants-Appellees.	)	
	)	
LORENZO ARTEAGA,	)	No. 96-16223
	)	
Plaintiff-Appellant,	)	D.C. No. CV-94-01575-FMS
	)	
v.	)	
	)	
CALIFORNIA DEPARTMENT OF	)	MEMORANDUM*
CORRECTIONS; JAMES H. GOMEZ;	)	
DANIEL VASQUEZ; A. HENRY, SGT.	)	
ARMBRIGHT; G. L. MILLER; C. GRACE;	)	
S. SMITH; B. OSENUEGRA;	)	
R. G. CLEVELAND; E. MONROE;	)	
J. NORMAN; SGT. VALDEZ R. BROWN,	)	
	)	
Defendants-Appellees.	)	

Appeal from the United States District Court  
for the Northern District of California  
Fern M. Smith, District Judge, Presiding

Submitted July 14, 1997\*\*

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

Before: HUG, Chief Judge, KOZINSKI and LEAVY, Circuit Judges.

Lorenzo Arteaga, a California state prisoner, appeals pro se the district court's dismissal with prejudice of his 42 U.S.C. § 1983 action for failure to amend his complaints pursuant to the court's instructions. Dismissal is appropriate under Fed. R. Civ. P. 41(b) where a party fails to comply with a court's order to file an amended complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Here, the district court twice granted Arteaga the opportunity to amend his complaint, explained how his complaint was deficient, and warned that failure to amend would result in dismissal. We conclude that the district court did not err in dismissing Arteaga's action, see id.<sup>1/</sup>

AFFIRMED.

1/ Arteaga has filed numerous motions with this court. Those motions in which Arteaga requests this court to take judicial notice of various facts, pleadings and exhibits are denied. Arteaga's motions in which he seeks to consolidate his habeas petitions with this 1983 action are denied. Arteaga's motion that seeks habeas relief is denied as not appropriately raised in this 1983 action.



97-6749

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PARTIES OF RECORD

**FILED**

MAY 13 1996

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS DIRECTOR JAMES GOMEZ,  
et al.,  
Defendant(s).

No. C 94-1575 FMS  
No. C 94-3046 FMS

JUDGMENT

22

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
GOVERNOR PETE WILSON, et al.,  
Defendant(s).

ENTERED IN CIVIL DOCKET

5/15/96

For the reasons stated in the accompanying order,  
these actions are dismissed with prejudice with filing the  
allegations in other unpaid complaints.

The Clerk of the Court shall close the files.

SO ORDERED.

DATED: May 10, 1996

*Fern M. Smith*  
FERN M. SMITH  
United States District Judge

United States District Court  
For the Northern District of California

97-6749

COPIES MAILED TO  
PARTIES OF RECORD

**FILED**

MAY 13 1996

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS DIRECTOR JAMES GOMEZ,  
et al.,  
Defendant(s).

No. C 94-1575 FMS  
No. C 94-3046 FMS

ORDER OF  
DISMISSAL

21

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
GOVERNOR PETE WILSON, et al.,  
Defendant(s).

ENTERED IN CIVIL DOCKET

5/15/96

Plaintiff, a prisoner proceeding pro se, filed  
two cases in the fall of 1994. The Court dismissed both  
complaints with leave to amend on October 17, 1994.  
Plaintiff improperly appealed the Court's orders to the  
Ninth Circuit, and the Court stayed the actions pending the  
Ninth Circuit's decision.

On January 31, 1996, after learning that  
plaintiff's appeals had been dismissed by the Ninth  
Circuit, this Court lifted the stay of these actions.  
Plaintiff was given until February 29, 1996 to file amended  
complaints. On March 6, 1996, plaintiff filed a motion to  
reimpose the stay of his federal cases because he was busy  
working on cases pending in state court. On March 7, 1996,

United States District Court  
For the Northern District of California

the Court denied the motion, but, sua sponte, granted plaintiff an extension until April 15, 1996 to file his amended complaints. Plaintiff has also filed a motion to recuse the Court, which the Court denied for lack of good cause. To date, plaintiff has failed to amend his complaints.

These actions have been pending, with no progress toward resolution, for an unusually long time. Plaintiff was forewarned that "failure to amend by [April 15, 1996], absent extraordinary circumstances, shall result in dismissal of plaintiff's cases by the Court." Plaintiff has failed to amend, and these actions are therefore DISMISSED with prejudice to filing the allegations in other unpaid complaints.

The Clerk of the Court shall close the files.

SO ORDERED.

DATED: May 10, 1996

*Fern M. Smith*  
FERN M. SMITH  
United States District Judge

United States District Court  
For the Northern District of California

United States District Court  
For the Northern District of California

FILED

MAR - 7 1996

RICHARD W. WIEKING  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS DIRECTOR JAMES GOMEZ,  
et al.,  
Defendant(s).  
  
LORENZO ARTEAGA  
v  
GOVERNMENT OF CALIFORNIA  
et al.,

No. C 94-1575 FMS

ORDER DENYING  
STAY OF CASES,  
DENYING REQUEST  
FOR SPECIAL  
LIBRARY  
PRIVILEGES,  
GRANTING  
EXTENSION TO FILE  
AMENDED  
COMPLAINTS

No. C 94-3046 FMS

The Court lifted the stays in the two above-captioned cases on January 30, 1996, after being notified that the Ninth Circuit had dismissed plaintiff's premature appeals. Plaintiff now requests the Court to re-issue stays in both his cases because he is busy working on several cases in state court. Plaintiff's time constraints due to unrelated litigation is not an appropriate reason to stay plaintiff's cases and plaintiff's request is DENIED.

Plaintiff asks, in the alternative, for the Court to order the prison to issue a "red privilege card" to plaintiff so he may have unlimited use of the prison library instead of the approximate two hours per day of use he currently is allowed. Plaintiff should be aware that the Court does not interfere with internal prison decisions

Ref  
# C97-617

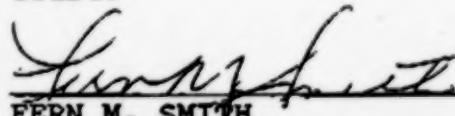
27 pages

1715

1 unless a constitutional right is being violated. The  
2 Constitution does not guarantee a prisoner unlimited access  
3 to the law library. Lindquist v. Idaho State Bd. of  
4 Corrections, 776 F.2d 851, 858 (9th Cir. 1985). Prison  
5 officials of necessity must regulate the time, manner and  
6 place in which library facilities are used. Id.  
7 Plaintiff's request to the Court for a "red privilege card"  
8 is DENIED.

9  
10 The Court is sympathetic to the difficulties of  
11 proceeding pro se, however, and will grant plaintiff an  
12 extension of time in which to file his amended complaints.  
13 Plaintiff shall file a separate amended complaint in each  
14 case no later than April 15, 1996. Plaintiff shall use the  
15 appropriate case number and caption on each pleading. The  
16 Court is not inclined, however, to granted any further  
17 extensions of these cases. Plaintiff's cases have already  
18 been pending an unusually long time with no progress toward  
19 resolution. The Court dismissed plaintiff's cases with  
20 leave to amend on October 17, 1994 and plaintiff has yet to  
21 amend his complaints. Plaintiff is the party that  
22 initiated these actions and it is plaintiff's  
23 responsibility to prosecute these actions or voluntarily  
24 dismiss them. Failure to amend by the above date, absent  
25 extraordinary circumstances, shall result in dismissal of  
26 plaintiff's cases by the Court.  
27

28 SO ORDERED.  
DATED: March 7, 1996

  
FERN M. SMITH  
United States District Judge